

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:07CV201**

SWISHER INTERNATIONAL, INC.,

Plaintiff,

v.

MARK BLAKE,

Defendant.

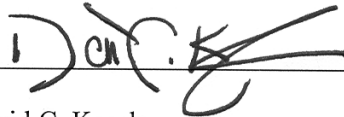
ORDER

THIS MATTER IS BEFORE THE COURT on the Motion to Permit Filing Under Seal (document #5) filed by the Plaintiff, Swisher International, Inc., in this matter. In the motion, the Plaintiff appears to move to seal the matter, not because of the contents of the complaint, but rather because of sensitive information it fears might be contained in a future responsive pleading from the Defendant, Mark Blake. Specifically, the motion states that “it is difficult to imagine that [the Defendant’s] allegations will not include privileged attorney client information learned by Defendant during the court (sic) and scope of his employment with Plaintiff as its general counsel.” In short, it appears the Plaintiff seeks to anticipatorily seal the case because of what it fears the Defendant’s answer—which hasn’t yet been filed—will contain.

The Fourth Circuit has stated that “the public’s right of access to judicial records and documents may be abrogated only in unusual circumstances.” *Stone v. University of Maryland Medical System, Inc.*, 855 F.2d. 178 (4th Cir. 1988). In its motion, Plaintiff does not adequately set out the “unusual circumstances” it believes warrants this relief. This denial is without prejudice to the Plaintiff’s opportunity to bring the motion again if warranted by future developments.

IT IS THEREFORE ORDERED that the Motion to Permit Filing Under Seal is hereby
DENIED.

Signed: June 4, 2007



David C. Keesler
United States Magistrate Judge

